IN RE: PETITION FOR ADMIN. VARIANCE S/S of Bay Front Road, 159' W of Iroquois Avenue 15th Election District 7th Councilmanic District

(7717 Bay Front Road)

Rosalie J. & Michael W. McCluskey Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 02-256-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Rosalie J. & Michael W. McCluskey. The variance request is for property located at 7717 Bay Front Road, in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with a side yard setback of 3 ft. in lieu of the required 10 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

St. Jan. 1. Ja

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of January, 2002, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with a side yard setback of 3 ft. in lieu of the required 10 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

January 30, 2002

Mr. & Mrs. Michael W. McCluskey 7717 Bay Front Road Baltimore, Maryland 21219

> Re: Petition for Administrative Variance Case No. 02-256-A Property: 7717 Bay Front Road

Dear Mr. & Mrs. McCluskey:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

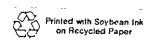
Timothy M. Kotroco

Deputy Zoning Commissioner

luthy Hotroco

TMK:raj Enclosure

c: Bernadette Moskunas Site Rite Surveying 200 E. Joppa Road, Room 101 Towson, MD 21286





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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7717 Bay Funt Pond
which is presently zoned PR.S.S

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) | BO2,3.C.1. (BCZR) to permit an existing Single family dwelling with a side yard set back of 3 feet in lieu of the required 1D feet

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
i, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

		I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:		Legal Owner(s):
		Michael William McChiskey
Name - Type or Print		Name - Type of Print William Meeter
Signature		Signature Possibile Una Mcausky
Address	Telephone No.	Name) Type or Print
City State	Zip Code	Signature
Attorney For Petitioner:		1717 Bay Front Pond 4/0477 2993
		Address Telephone No.
Name - Type or Print		City State Zip Code
Signature		Representative to be Contacted:
. d s		Sate Rite Surveying Borna dite Mos Kunas
Company		Name
Address	Telephone No.	200 E. John Road Room 101 410 828-906 Address Telephone No.
ار ا) Cicpholis 140.	1410
City State	Zip Code	City State Zip Code
Public earing having been formally den	manded and/or found to be	required, it is ordered by the Zoning Commissioner of Baltimore County,
eostations of Baltimore County and that the or	that the subject matter of the control of the co	nis petition be set for a public hearing, advertised, as required by the zoning

100	Λ	Zoning Commissioner of Baltimore County
CASE NO. 02-256	<u>//+</u> Revi	iewed By <u>SNP</u> Date 12/14/0/

Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to tes	and mereto in me	event mar a t	Jublic Heating	5 Scrieduled III II	te luture with regard th	ereto.
That the Affiant(s	s) does/do preser	ntly reside at	Address	Bay Fron	t Road	~ ~ ~
			CITY	more	M() , State	Zip Code
That based upor Variance at the a	n personal knowl above address (in	edge, the follo	owing are the tip or practical	facts upon which difficulty):	I/we base the reques	t for an Administrative
Then are	lots of v	ecod on	a plat di	utid April	1924 of "Lod	on Faret:
Sukina a	Vanance	on two	of the lo	to mande	to build an	110- [410]
vavous (s	rigle frui	my dwell	ling) m	the rema	ining two lot	S .
Mus is s	is special	attentri	- can be	pain to	ining two lot meet the new winto build a	ds of an
eldury pu	rout. It v	My be le	os of a fu	rancial str	emints build a	duelling
rather the	m pun for	musin	y cove to	aulity.		J
	1		J	,		
						•
			•			
That the Affiant(advertising fee a	s) acknowledge(nd may be require	s) that if a fo	ormal demand additional infor	is filed, Affiant(mation.	s) will be required to	pay a reposting and
m. On	tr. 1 l. m	111			1.1	1011
Signature 2	Welley M	elle	\ _Y	Signature	rely oyce h	1c Cluskey
MICHAEL	1 William	Meclo	SKEU	ROSAL	E JOYCE	Mr. Cluske
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·			Name - Type or	Print	111001-101
STATE OF MAR	YLAND, COUNT	Y OF BALTIN	MORE, to wit:			
I HEREBY CERT of Maryland, in a	FIFY, this <u>/O</u> nd for the County	day of <u>//</u> aforesaid, pe	rsonally appea	. <u>200</u>	<u>> / ,</u> before me, a Nota	ary Public of the State
Mar	y and					
the Affiant(s) here	ein, personally kn	own or satisfa	actorily identifie	ed to me as such	Affiant(s).	
AS WITNESS my	/ hand and Notari	ial Seal				
,	West (1)	n.,		Q.:07	Ciamella	ı
	The state of the s	" They	Nota	ry Public	Notary Public, 85	Rimore County, Md.
		* *	My C	ommission Evni		opres June 14, 2004

REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	7717 Bay Front Road
	Address Mp 21219
,	City State Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship)	wing are the facts upon which I/we base the request for an Administrative p or practical difficulty):
These are lots of record in a	plat dated April 1924 of "lodge Farst"
Cillian a vous mace an two	I the lots in order to build an in- law
and son Constal Falancian diandles	ing on the ramaining two lots.
The second attention	can be paid to meet the needs of an
Mis 13 so species will be 115	s of a financial strain to build a dwelling
eland bank elange	facilities
rather from pay for numing	Earl - (Martin).
·	
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	rmal demand is filed, Affiant(s) will be required to pay a reposting and idditional information.
mecket have Medle	y Rosales 4 orce McClus
Signature	Signature / T
MICHAEL WILLIAM MCClus	Signature Sizey KOSALIE JOYCE McCluske
Name - Type or Print	Name - Type of Print
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:
i HEREBY CERTIFY, this 10 day of 0 day	ecember , 2001 , before me, a Notary Public of the State
or maryland, in and for the County aforesaid, per	sonally appeared
the Affiant(s) herein, personally known or satisfa	ctorily identified to me as such Affiant(s).
•	
AS WITNESS my hand and Notarial Seal	
	Roil I. Ciarno On
	Notary Public Mala with the first and
·	My Commission Expires Notally Public, Political Control of the My Commission Expires

REV 10/25/01



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7717 Bay Front Road

	which is presently zoned V. F. 5.5
This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	and Development Management. The undersigned, legal is described in the description and plat attached hereto and (s) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Single family dwelling with a side yard 10 feet.	set back of 3 feet in lieu of the requi
of the zoning regulations of Baltimore County, to the zoning law of this petition form.	of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the zor I, or we, agree to pay expenses of above Variance, advertising, posting regulations and restrictions of Baltimore County adopted pursuant to the	an old and further parent to and are to be becomined by the
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	Name-Type or Profit
Signature	signature Posalie Jona Mc Chiskey
Address Telephone No.	Name Type or Print
State Zip Code Attorney For Petitioner:	3117 Bountrout Poud 410 477 29
Narne - Type or Print	Address Telephone No. 2129
	Representative to be Contacted:
Signature	Bernadette Musicinas
Company	1200 B. Jopph Pond 410828-9060
ddress Telephone No.	Address Telephone No.
ity State Zip Code	City State Zip Code
Public Hearing having been formally demanded and/or found to be requised that the subject matter of this pagulations of Baltimore County and that the property be reposted.	uired, It is ordered by the Zoning Commissioner of Baltimore County, petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. <u>02-256-A</u> Review	red By \NP Date 2/14/0/

Estimated Posting Date

ZONING DESCRIPTION FOR #7717 BAY FRONT ROAD

BEGINNING at a point on the south side of Bay Front Road which is 80 feet wide at the distance of 159 feet west of the centerline of Iroquois Avenue which is 20 feet wide. Being Lot Nos. 1110 and 1111 in the subdivision of "Lodge Forest" as recorded in Baltimore County Plat Book No. 10, folio No. 76, containing 0.373 Ac.+/-. Also known as #7717 Bay Front Road and located in the 15th. Election District, 7th. Councilmanic District.

J. Tilghman Downey, Jr. Reg. No. 114

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towson, MD 21286 E COUNTY, MARYLAND SUDGET & FINANCE NEOUS RECEIPT

YELLOW - CUSTOMER

PINK - AGENCY

08198

THE CHANTER DOLL DING DRAWER 5 528 ZONIAE VERIFICATION 000198 Recort Tot 50.00 50.00 CA .00 CX Baltimore Counties Haryland

CASHIER'S VALIDATION

ZONING NOTICE

ADMINISTRATIVE

CASE # 02-256-A TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH A SIDE YARD SETBACK OF 3 FEET IN LIEU OF THE REQUIRED 10 FEET.

PUBLIC HEARING

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON JALLET Z. 2002

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT LIST W. CHESAPEARE AND TOWNSON, MD. 21204

TEL. 887-3391

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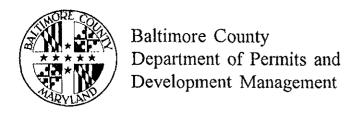


٠,	RE: Case No.: 02-256-A
	Petitioner/Developer:
	MICHAEL MCCLUSKEY
	Date of Hearing/Closing: JAU. 7, ZOOZ
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Fowson, MD 21204	
Attention: Ms. Gwendolyn Stephens	·
Ladies and Gentlemen:	
were posted conspicuously on the property le	perjury that the necessary sign(s) required by law ocated at BAY FRONT ROAD
	· · · · · · · · · · · · · · · · · · ·
The sign(s) were posted on $\frac{\text{DEC}}{\text{C}}$	(Month, Day, Year)
	Sincerely, Sincerely, (Signature of Sign Poster and Date)
	GARLAND E. MOORE (Printed Name) 3225 RYERSONI CIRCLE (Address) BALTIMORE, MD. 21227
	(City, State, Zip Code) (410) 242-4263 (Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 02- 25/	Ι.Δ	Address 77/7	Ray Floor Drive
Conta	act Person: Jeffre	y Perlow	Addiess	Phone Number: 410-887-3391
Filing	Date: 12/14/01	Postin	g Date: <u> 2/23/0/</u>	Bay Front Drive Phone Number: 410-887-3391 Closing Date: 1/7/02
Any c		fice regarding	the status of the a	dministrative variance should be
1.	reverse side of this form) reposting must be done of is again responsible for a	and the petition only by one of thall associated o	oner is responsible to the sign posters on the costs. The zoning n	osters on the approved list (on the for all printing/posting costs. Any ne approved list and the petitione notice sign must be visible on the diremain there through the closing
2.	DEADLINE: The closing a formal request for a public hearing	ublic hearing.	Please understand	nt or owner within 1,000 feet to file of that even if there is no forma he closing date.
3.	commissioner. He may: order that the matter be (typically within 7 to 10 days	(a) grant the set in for a ays of the closi	requested relief; (b) public hearing. Yo ng date) as to whetl	by the zoning or deputy zoning deny the requested relief; or (c) u will receive written notification has been granted to you by First Class mail.
4.	 (whether due to a neight commissioner), notification changed giving notice of the 	nbor's formal re on will be forw the hearing dat	equest or by order rarded to you. The e, time and location	s that must go to a public hearing of the zoning or deputy zoning sign on the property must be. As when the sign was originally altered sign must be forwarded to
		(Detach	Along Dotted Line)	
Petitio	oner: This Part of the Fo	rm is for the S	ign Poster Only	
	USE THE	ADMINISTRAT	IVE VARIANCE SIG	N FORMAT
Case I	Number 02- 256 -4	A Addres	s 7717 Bay	Front Drive
Petitio	oner's Name <u>M כַ בְּוֹטְיַּ</u>	Y	·	Telephone 410-477-2993
Postir	ng Date: 12 23 01	1	Closing Date	: 1/7/02
	ing for Sign: <u>To Permit a</u> back of 3 feet in 1			lling with a side yard eet
1		<u> </u>		
				



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

January 24, 2002

Rosalie & Michael McCluskey 7717 Bay Front Road Baltimore MD 21219

Dear Mr. & Mrs. McCluskey:

RE: Case Number: 02-256-A, 7717 Bay Front Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 14, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. らりて Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

Enclosures

c: Bernadette Moskunas, Site Rite Surveying, 200 E Joppa Road, Room 101, Towson 21286
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 7, 2002

Department of Permits & Development Mgmt.

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 22, 2002

Item Nos. 241, 242, 243, 244, 245, 247, 248, 249, 250, 253, 254, 255,

(256, 257, 258, 259, and 260

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

January 23, 2002

Department of Permits and Development Management (PDM) County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Gwen Stephens

Property Owner: SEE BELOW RE:

Location: DISTRIBUTION MEETING OF January 14 2002

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time, 8. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

078, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 252, 253, 254, (256,)257, 258, 259, 260, and 262

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon			
FROM:	Todd G. Taylor			
DATE:	February 12, 2002			
SUBJECT:	Zoning Item 256 Address 7717 Bay Front Road			
Zoning	g Advisory Committee Meeting of January 14, 2002			
The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.				
an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.			
	X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:			
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).			
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).			
X	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).			
	Additional Comments:			

Date: February 12, 2002

Reviewer: Keith Kelley

AN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: January 25, 2002

JAN 28

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-243 & 02-256

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC

W\WORKGRPS\DEVREV\ZAC\nocomment.doc



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 1.18.02

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 256

Dear. Mr. Zahner:

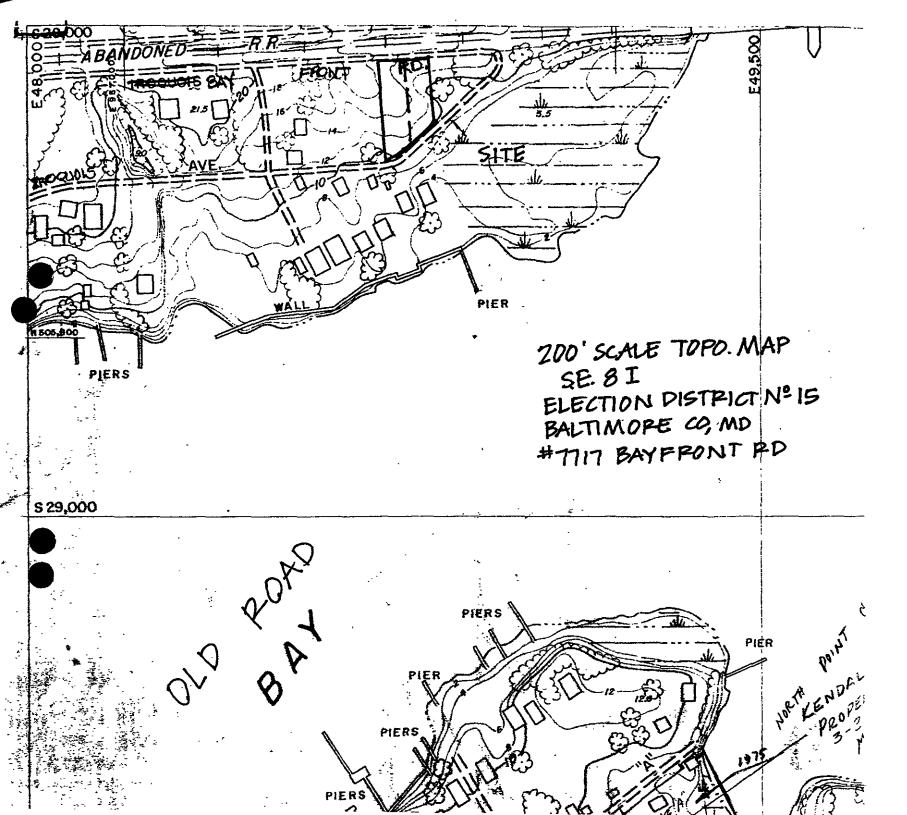
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/~ Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

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